

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS
WAS HELD OCTOBER 12, 2006 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Raymond E. Graham, Chairman; Mr. Harry F. Atherton, Vice-Chairman;
Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling;
Mr. Paul S. McCulla, County Administrator; Mr. Kevin Burke, County
Attorney

A B S E N T None

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

**VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT STATUS
UPDATE**

J. David Cubbage, Assistant Resident Engineer of the VDOT Warrenton Residency Office, briefed the Board of Supervisors on the status of specific projects within Board members' Magisterial Districts.

**A CLOSED SESSION TO DISCUSS POTENTIAL ACQUISITION OF PROPERTY IN
THE SCOTT AND LEE MAGISTERIAL DISTRICTS FOR PUBLIC PURPOSES
PURSUANT TO SECTION 2.2-3711(A)(3) OF THE CODE OF VIRGINIA**

By unanimous consent the closed session was cancelled.

**A WORK SESSION TO REVIEW STATUS OF CONSTRUCTION OF BUILDINGS AT
MONROE PARK**

The Board discussed various issues related to the completion of certain construction projects at Monroe Park.

**A JOINT WORK SESSION WITH THE FAUQUIER COUNTY SCHOOL BOARD TO
DISCUSS FUNDING ISSUES FOR KETTLE RUN HIGH SCHOOL**

The Board of Supervisors held a work session with the Fauquier County School Board to discuss funding issues for development of the third high school, Kettle Run High School. Mr. Sean Ekiert, Senior Vice President-Public Finance Group, representing BB&T Capital Markets, reviewed the details of the General Obligation bond sale with Board members. Board members discussed funding issues related to the third high school, disbursement of the School Division's year-end funds, and the FY 2008 Budget Kickoff.

**A WORK SESSION WITH FAUQUIER COUNTY'S LEGISLATIVE DELEGATION
REGARDING THE BOARD OF SUPERVISORS' LEGISLATIVE PROPOSALS FOR
THE 2007 GENERAL ASSEMBLY**

Eldon James, Legislative Liaison, and members of Fauquier County's legislative delegation, including Delegate Scott Lingamfelter, Delegate Clay Athey, and Delegate Mark Cole, were present to review the County's legislative priorities program and to consider additional priorities that require legislative action by the Virginia General Assembly.

The meeting was reconvened in Regular Session at 6:30 p.m.

ADOPTION OF THE AGENDA

Mr. Atherton moved to adopt the agenda, with the following changes. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

- Add consent agenda item "l", A Resolution to Authorize the Purchase of the Property of Richard Leeper.
- Add consent agenda item "m", A Resolution to Authorize the Acceptance of a Conservation Easement over the Property of Robert J. and Anne Michael Breeden.
- Add consent agenda item "n", A Resolution to Initiate a Zoning Ordinance Text Amendment to Permit the Storage of Motor Vehicle Dealer Inventory in the I-2 Zoning District.

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

CITIZENS' TIME

No one spoke.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Atherton presented to James Sparks a Proclamation to Acknowledge and Honor the Contributions of Sergeant James Sparks to the Citizens of Fauquier County.
- Mr. McCulla presented to Bryan Tippie, Budget Director, a Certificate of Achievement for receiving the Government Finance Officers Association Distinguished Budget Presentation Award for effective budget presentation.

CONSENT AGENDA

Mr. Atherton moved to adopt the following consent agenda items. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

Approval of the Minutes for the September 14, 2006 Regular Meeting of the Fauquier County Board of Supervisors

A Resolution Authorizing the County Administrator to Execute a Lease on Behalf of Fauquier County with Fauquier County Adult Court Services

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE ON BEHALF OF FAUQUIER COUNTY WITH FAUQUIER COUNTY ADULT COURT SERVICES

WHEREAS, it has previously been determined that it is appropriate to relocate the Adult Court Services unit to 70 Culpeper Street; and

WHEREAS, the Department of General Services and Fauquier County Adult Court Services have agreed upon the basic tenets of the proposed lease; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of October 2006, That the County Administrator be, and is hereby, authorized to execute a lease on behalf of Fauquier County with Fauquier County Adult Court Services, consistent with the terms and conditions agreed to in the lease document, at such time as the lease has been approved by the County Attorney.

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into this 1st day of July, 2006, by and between THE COUNTY OF FAUQUIER, VIRGINIA, Landowner, party of the first part, herein called "Lessor" and FAUQUIER COUNTY ADULT COURT SERVICES, party of the second part, herein called "Lessee."

W I T N E S S E T H:

THAT for and in consideration of annual rent and the promises and obligations contained in this Agreement, Lessor hereby leases and demises to the Lessee a portion of that real property located on Culpeper Street in the Town of Warrenton which is known as 70 Culpeper Street, Warrenton, Virginia, owned by Lessor (a portion of Parcel Identification Number 6984-33-5166-000) which consists of 3700 square feet of office space (hereinafter referred to as "the premises"), upon the following terms and conditions:

1. Annual rent of \$16,800 shall be due and payable on the first business day of July of each year. The rental obligation of the Lessee is subject to and contingent upon the lawful appropriation of rental funds by the Fauquier County Board of Supervisors and the Commonwealth of Virginia.
2. The term of this Lease Agreement shall be for three years commencing on July 1, 2006, and ending on June 30, 2009. This Agreement may be terminated by either party at will upon six months written notice to the Lessor.
3. Lessor shall have the right to reasonable inspection of the premises.
4. Lessor shall provide and pay for all building maintenance and utilities used at the premises during the term of this Lease.
5. This lease may not be assigned nor the premises sublet without the prior written consent of the Lessor.
6. Failure of Lessee to comply with each and every term and condition of this lease shall constitute a breach of this lease. Lessor may terminate this lease due to breach of Lessee by giving thirty (30) days written notice of termination to Lessee. On termination, Lessor may recover from Lessee all damages proximately resulting from the breach, including the costs of recovering the premises.
7. Provided all installments of rent theretofore due have been paid and all other conditions of this lease have been properly complied with, this Lease Agreement may be renewed or extended for additional one year terms; rent for such extended or renewed period shall be the previous year's rent plus three percent (3%) of the previous year's rent, with such other and additional terms and conditions thereof subject to renegotiation by the parties. Lessee shall give notice in writing of his intent to renew or extend to Lessor no later than thirty (30) days prior to termination.
8. This document is the entire agreement among the parties on the matters contained herein, and it may be modified only in writing signed by the parties. Any prior or contemporaneous promises, representations, or agreements related to the matters contained herein are revoked and waived. If any portion is held unenforceable for

any reason, the remainder of the agreement is deemed severable. This agreement is governed by the laws of the Commonwealth of Virginia. The Lessor and the Lessee agree that jurisdiction and venue for all suits related to or arising out of this agreement shall be proper only in the Circuit Court of Fauquier County.

WITNESS the following signatures and seals:

LESSOR:

THE COUNTY OF FAUQUIER, VIRGINIA

By: _____
Paul S. McCulla, County Administrator

LESSEE:

FAUQUIER COUNTY ADULT COURT SERVICES

By: _____
Thomas S. Pavelko, Director

STATE OF VIRGINIA
COUNTY OF FAUQUIER, TO-WIT

Personally appeared before me in the County and State aforesaid, Paul S. McCulla, and acknowledged the foregoing instrument.

Notary Public

My commission expires:

STATE OF VIRGINIA
COUNTY OF FAUQUIER, TO-WIT:

Personally appeared before me in the County and State aforesaid, Thomas S. Pavelko, and acknowledged the foregoing instrument.

Notary Public

My commission expires:

A Resolution to Establish Two Additional Cash Drawers for the Marshall Community Center

RESOLUTION

A RESOLUTION TO ESTABLISH TWO ADDITIONAL CASH DRAWERS FOR THE
MARSHALL COMMUNITY CENTER

WHEREAS, cash drawers are an essential element of conducting cash business; and

WHEREAS, an adequate amount of change is necessary for addressing unusual monetary demands by customers; and

WHEREAS, County policy requires each individual (custodian) to have a cash drawer; and

WHEREAS, the Finance Department, the County auditors and the Parks and Recreation Department endorse the use of cash drawers; and

WHEREAS, establishment of additional drawers at the Marshall Community Center is needed immediately; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of October 2006, That two (2) additional cash drawers in the amount of \$80 in each drawer be, and are hereby, established for the Marshall Community Center for a total amount of \$160, and it is hereby authorized for the purpose of providing change to the public for Parks and Recreation Department services; and, be it

RESOLVED FURTHER, That all financial procedures shall be subject to, and in conformance with, standards prescribed by the County's certified public accounting firm.

A Resolution to Adopt the Board of Supervisors' Legislative Proposals for the 2007 General Assembly

RESOLUTION

A RESOLUTION TO ADOPT THE BOARD OF SUPERVISORS'
LEGISLATIVE PROPOSALS FOR THE 2007 GENERAL ASSEMBLY

WHEREAS, Fauquier County has a variety of issues and interests which require legislative action by the Virginia General Assembly; and

WHEREAS, the Virginia Association of Counties (VACo) has requested submission of such legislative proposals for consideration in the 2007 VACo Legislative Program; and

WHEREAS, from time to time the Board of Supervisors may revise its Legislative Program to include additional legislative priorities and issues; now, therefore, be it
RESOLVED by the Fauquier County Board of Supervisors this 12th day of October 2006, That the Board of Supervisors' 2007 Legislative Program be, and is hereby, adopted as follows:

LEGISLATIVE PRIORITIES:

- Adequate Public Facilities - Fauquier County supports Adequate Public Facilities legislation, which would permit high growth localities, as part of their subdivision or zoning ordinance, to determine whether public facilities are adequate to support the services which will be required by the proposed subdivision or rezoning.
- School Funding - Fauquier County supports discontinuing adjusted market value and utilizing taxable value in the calculation of the Composite Index. Fauquier County supports the continued full funding of the State's share of the Standards of Quality, the full funding of any categorical educational mandate, including pay raises, and the full funding of the State's portion of the Standards of Learning relating to instructional technology. Fauquier County also supports increased funding for School Construction.
- Local Government Zoning, Land Use and Revenue Authority - As a general policy position, Fauquier County opposes any measure that would eliminate or reduce any local government zoning, land use or revenue authority. Fauquier County opposes the continued imposition of unfunded state mandates upon local governments.
- Purchase of Development Rights and Conservation - Fauquier County supports increased State funding for the purchase of conservation easements and other land conservation needs.
- Affordable Housing - Fauquier County supports the Virginia Housing Coalition's proposal to establish a Virginia Housing Trust Fund, capitalized with an ongoing source of State funding.
- Water Resources Planning - Fauquier County supports a comprehensive, State-funded study of the Commonwealth's surface and groundwater resources.
- Transportation Priorities - Fauquier County supports State funding for the following top three transportation priorities:
 - a. Relocation and reconstruction of Route 215 from Route 15/29 to Vint Hill. Completion of design work for the ultimate interchange at Route 215 and Routes 15/29.
 - b. Spot safety adjustments and intersection improvements (including turn lanes and signalization) in the corridor between Route 15/29 and the Prince William County border.
 - c. Construction of the Opal Interchange at Routes 15/29/17.
- Libraries - Fauquier County supports full funding of the state aid formula for public libraries, and increased funding for library technology.

A Resolution to Exercise the Right to Audit the Records of Expenditure of Public Funds of Fauquier County's Volunteer Fire and Rescue Companies in Accordance with the Adopted Fire and Rescue Services Agreement

RESOLUTION

A RESOLUTION TO EXERCISE THE RIGHT TO AUDIT THE RECORDS OF
EXPENDITURE OF PUBLIC FUNDS OF FAUQUIER COUNTY'S VOLUNTEER FIRE AND
RESCUE COMPANIES IN ACCORDANCE WITH THE ADOPTED FIRE AND RESCUE
SERVICES AGREEMENT

WHEREAS, under the adopted Fire and Rescue Services Agreement between the Board of Supervisors and the Volunteer Fire and Rescue Association, the Board has the right to audit the public funds of each of the volunteer companies; and

WHEREAS, the Board of Supervisors wishes to exercise this right at this time; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of October 2006, That notice be, and is hereby, conveyed to the Volunteer Fire and Rescue Association that the Board will exercise its right to audit the records of expenditure of public funds by the individual companies.

A Resolution Approving Travel Expenses in Accordance with Travel Policy and Procedures – Budget Office

RESOLUTION

A RESOLUTION APPROVING TRAVEL EXPENSES IN ACCORDANCE WITH TRAVEL
POLICY AND PROCEDURES

WHEREAS, the Fauquier County Board of Supervisors has adopted a Travel Policy and Procedures which require approval of expenditures in excess of \$1,000; and

WHEREAS, the Fauquier County Budget Office is requesting approval for Randy Benevento to attend the Government Finance Officers' Association Training Seminar, Budgeting for Budget Analysts, scheduled for December 5-6, 2006, in Charleston, South Carolina, which is anticipated to entail costs of approximately \$1,200; and

WHEREAS, the Budget Office indicates that the training highlights which budget analysis and process techniques, politics of the budgeting process, analytical techniques for revenue/expenditure forecasting, priority-setting strategies, and performance measurement for budgeting, which will enhance and prove beneficial in the operations of the Budget Office; and

WHEREAS, funding has been appropriated in the FY 2007 Budget to support this training; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of October 2006, That the Budget Office be, and is hereby, granted an exception to the Travel Policy and Procedures and the training and travel expenses for the aforesaid training are hereby approved.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Obtain Citizen Input Concerning a Revision of Fauquier County Code Sections 4-1 and 4-26

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO OBTAIN CITIZEN INPUT CONCERNING A REVISION OF FAUQUIER COUNTY CODE SECTIONS 4-1 AND 4-26

WHEREAS, there were changes to the enabling legislation authorizing localities to enact Ordinances regarding dangerous dogs; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of October 2006, That the County Administrator be, and is hereby, directed to schedule a public hearing to obtain citizen input regarding the revision of Fauquier County Code Sections 4-1 and 4-26.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Obtain Citizen Input Concerning a Revision of the County's Erosion and Sedimentation Control Ordinances, Fauquier County Code Chapter 11, Design Standards Manual

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO OBTAIN CITIZEN INPUT CONCERNING A REVISION OF THE COUNTY'S EROSION AND SEDIMENTATION CONTROL ORDINANCES, FAUQUIER COUNTY CODE CHAPTER 11, DESIGN STANDARDS MANUAL

WHEREAS, in order to more effectively enforce the County's erosion and sedimentation control Ordinances, a revision of the Design Standards Manual is necessary; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of October 2006, That the County Administrator be, and is hereby, directed to schedule a public hearing to obtain citizen input regarding the revision of Fauquier County Code Chapter 11, Design Standards Manual.

A Resolution to Approve a Waiver Allowing a Private Street that Does Not Connect Directly to a State Maintained Street - Cedar Run District

RESOLUTION

A RESOLUTION TO APPROVE A WAIVER ALLOWING A PRIVATE STREET THAT DOES NOT CONNECT DIRECTLY TO A STATE MAINTAINED STREET – CEDAR RUN DISTRICT

WHEREAS, Seneca Lake Investments, LLC, owner, is seeking a waiver of Zoning Ordinance Section 7-302.1.B to allow a subdivision on a private street that does not connect directly to a state maintained street; and

WHEREAS, the applicant created a 10-acre administrative lot, identified as PIN #7849-72-2319-000, with access via a fifty-foot easement (Whisper Drive), which connects to Brent Town Road (Route 612); and

WHEREAS, the applicant wishes to vacate a portion of Whisper Drive resulting in its connection to Seneca Lake Drive; and

WHEREAS, Seneca Lake Drive is an existing private street that connects directly to Cromwell Road (Route 639), a state maintained street; and

WHEREAS, on September 28, 2006, the Fauquier County Planning Commission recommended approval of the proposed Zoning Ordinance waiver; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of October 2006, That Zoning Ordinance Section 7-302.1.B be, and is hereby, waived to permit Seneca Lake Investments, LLC to have an administrative division served by a private street that does not connect directly to a state maintained street.

A Resolution to Approve a Contract Amendment to the Automated Technology Solutions Contract

RESOLUTION

A RESOLUTION TO APPROVE A CONTRACT AMENDMENT TO THE AUTOMATED TECHNOLOGY SOLUTIONS CONTRACT

WHEREAS, on April 13, 2006, Automated Technology Solutions was awarded a contract in the amount of \$423,420 for improvements to the Data Center; and

WHEREAS, the County has the opportunity to relocate the microwave link to the public safety radio system; and

WHEREAS, changes to the Data Center will enhance the security and reliability of the County's computer equipment; and

WHEREAS, it is in the County's best interest to upgrade the generator that will support the Data Center and radio system; and

WHEREAS, the Facilities Planning and Implementation Committee has reviewed these changes and the costs are within adopted budgets; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this the 12th day of October 2006, That approval to increase the contract with Automated Technology Solutions from \$423,420 to \$560,690 be, and is hereby, granted.

A Resolution to Authorize the County Administrator to Execute a Lease on Behalf of Fauquier County with Andre Gaunoux for 32 Waterloo Street

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE ON BEHALF OF FAUQUIER COUNTY WITH ANDRE GAUNOUX FOR 32 WATERLOO STREET

WHEREAS, the previous lease with Fauquier County to locate the Registrar's Office at 32 Waterloo Street with Andre Gaunoux has expired; and

WHEREAS, the Department of General Services and Andre Gaunoux have agreed upon the basic tenets of the proposed lease; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of October 2006, That the County Administrator be, and is hereby, authorized to execute a lease on behalf of Fauquier County with Andre Gaunoux, consistent with the terms and conditions agreed to in the lease document, at such time as the lease has been approved by the County Attorney.

A Resolution to Authorize the Purchase of the Property of Richard Leeper

RESOLUTION

A RESOLUTION TO AUTHORIZE THE PURCHASE OF THE PROPERTY OF RICHARD LEEPER

WHEREAS, the Department of Parks and Recreation has proposed to acquire the property of Richard Leeper in order to improve the operation of Lake Brittle; and

WHEREAS, Richard Leeper has agreed to sell the property for \$450,000.00; and

WHEREAS, the Board of Supervisors has determined that the acquisition is appropriate and in the public interest; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of October 2006, That the County Administrator and County Attorney be, and are hereby, authorized to take all necessary steps to acquire the property.

A Resolution to Authorize the Acceptance of a Conservation Easement over the Property of Robert J. and Anne Michael Breeden

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION EASEMENT OVER THE PROPERTY OF ROBERT J. AND ANNE MICHAEL BREEDEN

WHEREAS, Robert J. and Anne Michael Breeden have proposed to dedicate a conservation easement on their property described as PIN #6985-13-3513-000; and

WHEREAS, the Board of Supervisors has determined that the proposed easement is appropriate and in the public interest; and

WHEREAS, the Board of Supervisors has determined that the proposed easement will advance the goals of the Fauquier County Comprehensive Plan in that the easement will create a “hard edge” at the boundary of the Warrenton Service District; and

WHEREAS, the Board of Supervisors has determined that the proposed easement will aid in the protection of the Warrenton Reservoir by creating stream buffers and limiting development in the watershed; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of October 2006, That the County Administrator and the County Attorney be, and are hereby, authorized to accept the donation of a conservation easement under those terms generally set forth in the proposed easement attached to the agenda request for this item, subject to such revisions as may be deemed appropriate to the County Administrator and County Attorney.

A Resolution to Initiate an Amendment to the Zoning Ordinance to Permit the Storage of Motor Vehicle Dealer Inventory in the I-2 Zoning District

RESOLUTION

A RESOLUTION TO INITIATE AN AMENDMENT TO THE ZONING ORDINANCE TO
PERMIT THE STORAGE OF MOTOR VEHICLE DEALER INVENTORY IN THE
I-2 ZONING DISTRICT

WHEREAS, the Board of Supervisors has determined that the storage of motor vehicle dealer inventory may be appropriate within the I-2 Zoning District; and

WHEREAS, the Board of Supervisors finds that consideration of an amendment to the zoning ordinance to permit the storage of motor vehicle dealer inventory is in the public interest and consistent with good zoning practices; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of October, 2006, That the Fauquier County Planning Commission schedule a public hearing to consider an amendment to the Zoning Ordinance to permit the storage of motor vehicle dealer inventory in the I-2 zoning district.

APPOINTMENTS

By unanimous consent, the following appointment was approved:

- Industrial Development Authority – Marshall District: George Thompson, re-appointed for a three-year term that ends October 11, 2009.

**A RESOLUTION REQUESTING FAUQUIER COUNTY WATER & SANITATION
AUTHORITY, JOHN MARSHALL SOIL & WATER CONSERVATION DISTRICT
AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO WORK WITH THE
FAUQUIER COUNTY DART PROGRAM TO EXPEDITE THE REVIEW OF
COMMERCIAL, INDUSTRIAL AND GOVERNMENTAL DEVELOPMENT
APPLICATIONS**

Mr. Graham moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

**A RESOLUTION REQUESTING FAUQUIER COUNTY WATER & SANITATION
AUTHORITY, JOHN MARSHALL SOIL & WATER CONSERVATION DISTRICT AND
THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO WORK WITH THE
FAUQUIER COUNTY DART PROGRAM TO EXPEDITE THE REVIEW OF
COMMERCIAL, INDUSTRIAL AND GOVERNMENTAL DEVELOPMENT
APPLICATIONS**

WHEREAS, the Fauquier County Board of Supervisors has established a Development Assistance Review Team (DART); and

WHEREAS, the purpose of the DART Team is to facilitate the processing and approval of industrial, commercial and governmental development in Fauquier County; and

WHEREAS, by establishing the DART Program, the Board of Supervisors has stated its emphasis on attracting industrial, commercial and governmental development to Fauquier County; and

WHEREAS, the Board of Supervisors, by the establishment of the DART Program, seeks to expedite commercial, industrial, and governmental development applications in Fauquier County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of October 2006, That the Fauquier County Water & Sanitation Authority, the John Marshall Soil & Water Conservation District, and the Virginia Department of Transportation be, and are hereby, respectfully requested to work with the DART Program to expedite the review of commercial, industrial and governmental development applications.

A RESOLUTION TO APPROVE ADDITIONAL FUNDING FOR THE PURCHASE OF DEVELOPMENT RIGHTS ON COOL LAWN FARMS, LLC, UNDER THE FOURTH ROUND OF PURCHASE OF DEVELOPMENT RIGHT PROGRAM

Mr. Stribling moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROVE ADDITIONAL FUNDING FOR THE PURCHASE OF DEVELOPMENT RIGHTS ON COOL LAWN FARMS, LLC, UNDER THE FOURTH ROUND OF PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

WHEREAS, on February 19, 2002, the Fauquier County Board of Supervisors adopted the Purchase of Development Rights (PDR) Program to acquire conservation easements for the purpose of protecting agriculture, providing open space, ameliorating the impact of development on the County; and

WHEREAS, the Fauquier County of Board of Supervisors created the PDR Committee to assist the Board of Supervisors in selecting qualified farm properties for preservation; and

WHEREAS, on January 12, 2006, the Board of Supervisors approved funding in the amount of \$390,000 for the purchase of thirteen development rights on Cool Lawn Farms, LLC; and

WHEREAS, at the landowner's request a review of the total number of development rights available for sale under the PDR Program was conducted, and the County Zoning Administrator and County Attorney concluded that there were three additional parcels of record resulting in three additional development rights; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 12th day of October 2006, That an additional \$90,000.00 be, and is hereby, approved for the Purchase of Development Rights on Cool Lawn Farms, LLC.

SUPERVISORS' TIME

- Mr. Robison announced that the Department of Parks & Recreation will host a children's festival at Crockett Park on Saturday, October 14, 2006, and he urged citizens to be there.
- Mr. Stribling encouraged citizens to attend the Remington Fall Festival that will take place on Saturday, October 14, 2006. Mr. Stribling reminded citizens to vote in the State

General Elections on November 7, 2006, and he announced his candidacy for the seat of Lee District Supervisor during the local elections in November 2007. Mr. Stribling announced the grand opening of the CFC Home and Farm Store at its new location in Morrisville.

- Mr. Graham extended congratulations to the family of Cheryl Chumley, staff reporter for the Fauquier-Times Democrat newspaper, on the birth of their new baby girl. Mr. Graham stated that the Board of Supervisors had a productive work session earlier today with Delegate Clay, Delegate Athey and Delegate Lingamfelter, to review Fauquier County's legislative priorities. He also encouraged citizens to communicate with their legislative delegates on issues that may be of individual interest or concern at the State level.

ANNOUNCEMENTS

- Mr. McCulla announced that the County has closed on the General Obligation bonds for construction of the third high school.
- Mr. McCulla announced that the Board of Supervisors will attend the annual meeting of the Virginia Association of Counties (VACo) on November 12-14, 2006, in Bath County, Virginia.
- Mr. McCulla announced that the next regular meeting of the Board of Supervisors will be held at 6:30 PM on Thursday, November 9, 2006, in the Warren Green meeting room, located at 10 Hotel Street, in Warrenton, Virginia.

A RESOLUTION TO AMEND THE FY 2006 ADOPTED BUDGET IN THE AMOUNT OF \$57,439 AND AMEND THE FY 2007 ADOPTED BUDGET IN THE AMOUNT OF \$2,310,888

A public hearing was held to consider various budget related issues in the amount of \$57,439 in appropriations for FY 2006, and \$2,295,888 in appropriations, \$135,000 in transfers and \$120,000 in a de-appropriation for FY 2007. Bryan Tippie, Budget Director, summarized the proposed budget amendments. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO AMEND THE FY 2006 ADOPTED BUDGET IN THE AMOUNT OF \$57,439 AND AMEND THE FY 2007 ADOPTED BUDGET IN THE AMOUNT OF \$2,310,888

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 31, 2005, the Board of Supervisors adopted the Fauquier County FY 2006 Budget and on March 30, 2006 adopted the Fauquier County FY 2007 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its July meeting the Finance Committee has recommended FY 2006 budget adjustments of \$57,439 and for FY 2007 budget adjustments of \$2,310,888 for the purposes set forth below; and

WHEREAS, on October 12, 2006, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of October 2006, That the FY 2006 Budget be, and is hereby, amended in the amount of \$57,439 and the FY 2007 Budget amended in the amount of \$2,310,888 as follows:

<u>Source</u>	<u>FROM Code</u>	<u>Amount</u>	<u>Department</u>	<u>TO Code</u>	<u>Amount</u>
FY 2006					
Textbook Fund Balance	3-206-419000-0010	\$57,439	Textbook Fund, School Division	4-206-061100-6020- 999	\$57,439
FY 2007					
Federal Funds	3-205-332000-0034	\$18,556	School Division	4-205-61123-6014- 200-200	\$8,556
				4-205-61123-6047- 200-200	\$10,000
Insurance Reimbursement	3-100-411000-0010	\$10,850	Sheriff's Office	4-302-31200-8107	\$10,850
State Funds	3-240-249000-0010	\$213,500	Agriculture Development, PDR	4-240-081800-6099	\$213,500
State Funds	3-100-244100-0030	\$15,670	Adult Court Services	4-100-21720-1302 4-100-21700-6050	\$15,513 \$157
Fire and Emergency Services (F&ES)	3-100-331000-0060	\$6,500	F&ES	4-100-032421-1101	\$6,500
Federal Funds	3-100-331500-0020	\$18,368	F&ES	4-100-032420-5671 4-100-032420-6047	\$6,351 \$12,017
Fire & Rescue Association's (F&RA) Fund Balance	3-270-419000-0010	\$304,740	F&RA	4-270-032302-5647 4-270-032307-5647 4-270-032310-5647 4-270-032320-5699	\$135,637 \$73,030 \$56,296 \$39,777

Fund Balance	3-100-419000-0010	\$811,252	Budget Office	4-100-091400-9999	\$811,252
Motorola Co. Revenue	3-302-189900-0050	\$4,000	Capital Fund, Radio System	4-302-94301-8203	\$4,000
State	4-205-061100-1110- 312-901	\$80,000	School Division, Mountain Vista	4-204-061100-1110- 312-901	\$80,000
Local	4-205-061100-1120- 312-901	\$470,057	Governor's School	4-204-061100-1120- 312-901	\$470,057
Other	4-205-061100-1140- 312-901	\$28,500		4-204-061100-1140- 312-901	\$28,500
	4-205-061100-1520- 312-901	\$5,000		4-204-061100-1520- 312-901	\$5,000
	4-205-061100-2100- 312-901	\$44,643		4-204-061100-2100- 312-901	\$44,643
	4-205-061100-2210- 312-901	\$57,629		4-204-061100-2210- 312-901	\$57,629
	4-205-061100-2212- 312-901	\$2,273		4-204-061100-2212- 312-901	\$2,273
	4-205-061100-2310- 312-901	\$38,152		4-204-061100-2310- 312-901	\$38,152
	4-205-061100-2400- 312-901	\$7,120		4-204-061100-2400- 312-901	\$7,120
	4-205-061100-2720- 312-901	\$1,868		4-204-061100-2720- 312-901	\$1,868
	4-205-061100-3160- 312-901	\$50,000		4-204-061100-3160- 312-901	\$50,000
	4-205-061100-3430- 312-901	\$10,000		4-204-061100-3430- 312-901	\$10,000
	4-205-061100-3500- 312-901	\$9,744		4-204-061100-3500- 312-901	\$9,744
	4-205-061100-5210- 312-901	\$1,000		4-204-061100-5210- 312-901	\$1,000
	4-205-061100-5230- 312-901	\$3,000		4-204-061100-5230- 312-901	\$3,000
	4-205-061100-5410- 312-901	\$9,000		4-204-061100-5410- 312-901	\$9,000
	4-205-061100-5420- 312-901	\$15,000		4-204-061100-5420- 312-901	\$15,000
	4-205-061100-5510- 312-901	\$5,000		4-204-061100-5510- 312-901	\$5,000
	4-205-061100-5540- 312-901	\$10,000		4-204-061100-5540- 312-901	\$10,000
	4-205-061100-6001- 312-901	\$2,000		4-204-061100-6001- 312-901	\$2,000
	4-205-061100-6013- 312-901	\$16,466		4-204-061100-6013- 312-901	\$16,466
	4-205-061100-6050- 312-901	\$26,000		4-204-061100-6050- 312-901	\$26,000
Contingency Reserve (Transfer)	3-100-091400-9999	\$85,000	Information Technology	4-100-012511-6050 4-100-012511-3170	\$25,000 \$60,000
Construction Reserve (Transfer)	4-302-91400-0100	\$50,000	Southern Sports Complex	4-302-71140-8509	\$50,000
State Grant (De-appropriation)	4-302-71120-8519	(\$120,000)	Parks & Recreation	3-302-244500-0025	(\$120,000)
TOTAL		\$2,368,327			\$2,368,327

PROPOSED TEXT AMENDMENT TO ZONING ORDINANCE SECTION 5-105

A public hearing was held to consider a Zoning Ordinance text amendment to Section 5-105 to change the square footage of accessory family dwelling units, and to define such units to be occupied by family members. Mr. Graham summarized the proposed amendment. Lee Smith, Applicant, requested favorable consideration of the amendment, and requested that the application process be administrative. No one else spoke. Mr. Downey moved to postpone a decision and continue the public hearing until the Board meeting on December 14, 2006. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 12-606 TO ALLOW CERTAIN DRIVEWAYS TO BE TEN (10) FEET IN WIDTH AND UNPAVED

A public hearing was held to consider a Zoning Ordinance text amendment to Section 12-606 to allow certain driveways to be ten (10) feet in width, and composed of any surface. Mr. Graham summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following Ordinance. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 12-606 TO ALLOW CERTAIN DRIVEWAYS TO BE TEN (10) FEET IN WIDTH AND UNPAVED

WHEREAS, on July 27, 2006, the Planning Commission initiated this text amendment; and

WHEREAS, on August 31, 2006, after a public hearing, the Planning Commission forwarded the proposed text amendment to the Board of Supervisors unanimously recommending approval; and

WHEREAS, on October 12, 2006, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 12th day of October 2006, That Section 12-606 be, and is hereby, amended as follows:

12-606 Driveways, Service Roads

1. The pavement of vehicular traffic lanes or driveways, designed to permit vehicular travel on the site and to and from adjacent property and parking areas, shall be not less than twenty (20) feet in width. This width may be reduced to no less than eighteen (18) feet for parks in RC, RA, and R-1 Districts when, in the opinion of the Zoning Administrator, a lesser width is appropriate because of design, maintenance, or engineering factors provided the lane or driveway design contains adequate shoulders and drainage. **Notwithstanding the foregoing, when a business is co-located with a residence in a Rural Zoning District or a Residential Zoning District, the driveway may be not less than ten (10) feet in width and unpaved unless a greater width or surface treatment is required by a Special Permit or Special Exception condition.**
2. On any site bordering a primary, arterial or interstate highway, or adjacent to an existing service road in the state highway system, the developer, in lieu of providing travel lanes or driveways that provide vehicular travel to and from adjacent parking areas and adjacent property, may dedicate where necessary and construct a service road under County and State standards for such roads. In such event, the setback requirements shall be no greater if the service road is dedicated than the setback required without the dedication, except in no instance shall a building be constructed closer than twenty (20) feet from the nearest right-of-way line.
3. Upon satisfactory completion, inspection and only upon application by the developer, the County shall take the necessary steps to have such service road accepted by the VDOT for maintenance.

A RESOLUTION TO CONVEY MARSHALL WATERWORKS II, INC. TO THE FAUQUIER COUNTY WATER AND SANITATION AUTHORITY

A public hearing was held to consider authorizing the conveyance of Marshall Waterworks to the Fauquier County Water and Sanitation Authority upon acquisition of the facility. Mr. Graham summarized the proposal. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes:	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
Nays:	<i>None</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>

RESOLUTION

A RESOLUTION TO CONVEY MARSHALL WATERWORKS II, INC. TO THE FAUQUIER COUNTY WATER AND SANITATION AUTHORITY

WHEREAS, on September 14, 2006, the Board of Supervisors authorized the condemnation of the assets of Marshall Waterworks II, Inc.; and

WHEREAS, the County is in the process of acquiring title to Marshall Waterworks II, Inc., pursuant to the aforesaid resolution; and

WHEREAS, the County and Fauquier County Water and Sanitation Authority have agreed that title to the assets of Marshall Waterworks II, Inc., is to be conveyed to Fauquier County Water and Sanitation Authority; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of October 2006, That the County Administrator and the County Attorney be, and are hereby, authorized to execute all documents necessary to convey Marshall Waterworks II, Inc. to the Fauquier County Water and Sanitation Authority.

AN ORDINANCE AMENDING SECTION 7-2 OF THE FAUQUIER COUNTY CODE TO CHANGE THE POLLING PLACE OF LOIS PRECINCT FROM COMMUNITY CHRISTIAN CHURCH TO GROVE BAPTIST CHURCH

A public hearing was held to consider an amendment to Article 7-2 of the Fauquier County Code to change the Lois Precinct polling place from Community Christian Church to Grove Baptist Church, due to the unavailability of Community Christian Church. Mr. Graham summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE AMENDING SECTION 7-2 OF THE FAUQUIER COUNTY CODE TO CHANGE THE POLLING PLACE OF LOIS PRECINCT FROM COMMUNITY CHRISTIAN CHURCH TO GROVE BAPTIST CHURCH

WHEREAS, the County conducted a public hearing to consider whether to amend Section 7-2 of The Fauquier County Code to change the polling place from Community Christian Church to Grove Baptist Church; and

WHEREAS, the County has determined that the proposed change is appropriate and in the public interest; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 12th day of October 2006, That Section 7-2 of the Fauquier County Code be, and is hereby, amended as follows:

Sec. 7-2. Same--Enumerated.

The precincts for each magisterial district and the polling places for each precinct shall be as set forth below:

- (1) *Cedar Run magisterial district:*
 - a. Opal precinct, Liberty High School.
 - b. Casanova precinct, Dominion Virginia Power Building.
 - c. Catlett precinct, Catlett Fire Hall.
 - d. Kettle Run precinct, St. Stephen's Church.
 - e. Lois precinct, ~~Community Christian Church~~. [Grove Baptist Church](#)
- (2) *Center magisterial district:*
 - a. Airlie precinct, C. M. Bradley Elementary School.
 - b. Baldwin Ridge precinct, P. B. Smith Elementary School.
 - c. Courthouse precinct, Warrenton Presbyterian Church.
 - d. Warrenton precinct, Old Central Elementary School.
- (3) *Lee magisterial district:*
 - a. Morrisville precinct, Mary Walter Elementary School.
 - b. Bealeton precinct, Cedar Lee Middle School.
 - c. Remington precinct, M. M. Pierce Elementary School.
- (4) *Marshall magisterial district:*
 - a. Leeds precinct, Emmanuel Episcopal Church.
 - b. Marshall precinct, Marshall Ruritan Club.
 - c. Waterloo precinct, Fauquier High School.
- (5) *Scott magisterial district:*
 - a. Broad Run precinct, Lutheran Church (at Route 605).
 - b. New Baltimore precinct, C. Hunter Ritchie Elementary School.
 - c. The Plains precinct, Grace Episcopal Church.

(Ord. No. 87-1, 2-17-87; Ord. No. 87-5, 7-21-87; Ord. No. 88-1, 3-15-88; Ord. No. 90-5, 7-17-90; Ord. No. 91-6, 7-16-91; Ord. No. 92-2, 3-17-92; Ord. No. 92-4, 8-18-92; Ord. No. 94-2, 5-3-94; Ord. No. 96-2, 3-19-96; Ord. No. 01-05, 7-16-01; Ord. No. 02-08, 11-18-02; Ord. No. 04-02, 4-19-04; Res. No. 05-03, 5-12-05)

A RESOLUTION TO APPROVE A BOUNDARY LINE ADJUSTMENT BETWEEN THE TOWN OF WARRENTON AND THE COUNTY TO PLACE THE PROPERTY OF HIGHLAND SCHOOL ENTIRELY WITHIN THE TOWN OF WARRENTON

A public hearing was held to consider a proposed boundary adjustment of the land of Highland School, Inc., currently located in Fauquier County consisting of two parcels, one approximately 5.8519 acres described as PIN #6985-12-5125-000, and the second approximately 0.3374 acres described as PIN #6985-22-0204-000. The proposed agreement will relocate the boundary between the Town and the County to the northern edge of the Highland School property along its border with U.S. Route 17 Business, and U.S. Route 17 Bypass. The relocated boundary will place the school under one governmental and permitting authority. Mr. Graham summarized the proposal. No one else spoke. The public hearing was closed. Mr. Robison moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROVE A BOUNDARY LINE ADJUSTMENT BETWEEN THE TOWN OF WARRENTON AND THE COUNTY TO PLACE THE PROPERTY OF HIGHLAND SCHOOL ENTIRELY WITHIN THE TOWN OF WARRENTON

WHEREAS, the County conducted a public hearing to consider the adjustment of the boundary between the Town of Warrenton and Fauquier County at the boundary of the property line between Highland School and the Virginia Department of Transportation; and

WHEREAS, the County has determined that the proposed boundary line adjustment is appropriate and in the public interest; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 12th day of October 2006, That the County Administrator and the County Attorney be, and are hereby, authorized to take all necessary steps to complete the proposed boundary line adjustment.

With no further business, the meeting was adjourned at 7:17 P.M.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on October 12, 2006.

*Paul S. McCulla
Clerk to the Board of Supervisors*